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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:05-cr-070-RRB
)	
Plaintiff,)	<u>DECLARATION OF COUNSEL</u>
)	<u>IN SUPPORT OF MOTION FOR</u>
v.)	<u>FINAL DECREE OF FORFEITURE</u>
)	
CLYDE RAMIREZ,)	
)	
Defendant.)	
_____)	

I, JAMES BARKELEY, am an Assistant United States Attorney and represent the Plaintiff in this action.

1. On November 2, 2005, defendant CLYDE RAMIREZ pled guilty to Counts 2 through 4 (including Criminal Forfeiture Counts 3 and 4) of the Indictment issued in this case. On December 6, 2005, the Honorable Ralph R. Beistline entered a Preliminary Order of Forfeiture against the above-named defendant, forfeiting to the United States the

defendant's interest in ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,400.00) IN UNITED STATES CURRENCY, described in Count 3, and one AMT BACKUP 9MM SEMI-AUTOMATIC HANDGUN, SERIAL NUMBER DLX05666, described in Count 4.

2. Pursuant to 21 U.S.C. § 853(n)(1), persons asserting a legal interest in the above-described forfeited currency and firearm are entitled to a judicial determination of the validity of the legal claims or interests they assert.

3. The Bureau of Alcohol, Tobacco, Firearms, & Explosives ("ATF") published notification of the Court's December 6, 2005 Preliminary Order of Forfeiture in the Anchorage Daily News on April 14, 21, and 28, 2006. Exhibit 1. Said published notice advised all third persons of their right to petition the Court within 30 days of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the subject property.

4. No petitions of interest or other claims or requests for an ancillary hearing with regard to the above-described currency and firearm have been filed by any other person or entity within the time allowed by law.

5. Declarant knows of no reason why a final decree of forfeiture should not now be issued declaring said property be forfeited as to all persons. Full right, title and interest in the above-described currency and firearm shall be and hereby is vested in the United States.

Further, the ATF and its property manager and/or its contractor should be directed to

dispose of the above-described currency and firearms and pay any and all costs according to law.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 28th day of November, 2006 in Anchorage, Alaska.

NELSON P. COHEN
United States Attorney

s/James Barkeley
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CERTIFICATE OF SERVICE

I declare that a true and correct copy of the foregoing
DECLARATION OF COUNSEL was sent electronically
this 28th day of November, 2006, to:

Michael Dieni (Counsel for Clyde Ramirez)
Office of the Federal Public Defender
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

s/James Barkeley